

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MARICELA RAMIREZ,

11 Plaintiff,

12 v.

13 JOHN L HART, et al.,

14 Defendant.

CASE NO. C13-5873 RJB

ORDER ON MOTION FOR
RECUSAL

15
16 On March 10, 2014, Plaintiff filed "Plaintiff's Notice of Motion and Motion for Judge to
17 Be Disqualified or Recused." Dkt. No. 21. The presiding judge, U.S. District Judge Robert J.
18 Bryan, reviewed the motion and declined to recuse himself voluntarily. Dkt. No. 22. In
19 accordance with the Local Rules of this district, the matter has been referred to this Court for
20 review. LCR 3(e).

21 **DISCUSSION**

22 Pursuant to 28 U.S.C. § 455(a), a judge of the United States shall disqualify himself in
23 any proceeding in which his impartiality "might reasonably be questioned." A federal judge also
24 shall disqualify himself in circumstances where he has a personal bias or prejudice concerning a

1 party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28 U.S.C.
2 § 455(b)(1).

3 Under both 28 U.S.C. §144 and 28 U.S.C. § 455, recusal of a federal judge is appropriate
4 if “a reasonable person with knowledge of all the facts would conclude that the judge’s
5 impartiality might reasonably be questioned.” *Yagman v. Republic Insurance*, 987 F.2d 622, 626
6 (9th Cir.1993). This is an objective inquiry concerned with whether there is the appearance of
7 bias, not whether there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th
8 Cir.1992); *United States v. Conforte*, 624 F.2d 869, 881 (9th Cir.1980). In *Liteky v. United*
9 *States*, 510 U.S. 540 (1994), the United States Supreme Court further explained the narrow basis
10 for recusal:

11 [J]udicial rulings alone almost never constitute a valid basis for a bias or partiality
12 motion. . . . [O]pinions formed by the judge on the basis of facts introduced or
13 events occurring in the course of the current proceedings, or of prior proceedings,
14 do not constitute a basis for a bias or partiality motion unless they display a deep
15 seated favoritism or antagonism that would make fair judgment impossible. Thus,
16 judicial remarks during the course of a trial that are critical or disapproving of, or
17 even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias
18 or partiality challenge.

15 *Id.* at 555.

16 Reviewing Plaintiff’s motion and accompanying documentation, it is clear that her
17 argument that Judge Bryan should recuse himself is based solely on a series of rulings with
18 which she disagrees. *See* Dkt. No. 21, pp. 1-2. This is not a legally sufficient basis for a recusal.
19 A judge’s conduct in the context of pending judicial proceedings does not constitute the requisite
20 bias under 28 U.S.C. § 144 or § 455 if it is prompted solely by information that the judge
21 received in the context of the performance of his duties. Bias is almost never established simply
22 because the judge issued an adverse ruling.
23
24

1 Plaintiff may disagree with Judge Bryan's rulings, but that is a basis for appeal, not
2 disqualification. Upon review of the record, the Court finds that Judge Bryan's impartiality
3 cannot reasonably be questioned. There being no evidence of bias or prejudice, Plaintiff's
4 request for recusal is DENIED.

5
6 **CONCLUSION**

7 There is no reasonable basis for a voluntary recusal in this instance.

8 Accordingly it is hereby **ORDERED** that the undersigned **DENIES** Plaintiff's motion to
9 recuse Judge Bryan..

10 The clerk is ordered to provide copies of this order to Plaintiff and to all counsel.
11

12 Dated this 13th day of March, 2014.
13

14
15 

16 Marsha J. Pechman
17 United States Chief District Judge
18
19
20
21
22
23
24